

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 928 OF 2018
with
CRIMINAL APPLICATION NO. 672 OF 2018
IN
ANTICIPATORY BAIL APPLICATION NO.928 OF 2018

1. Sunil Kaluram Naik
2. Shashikant Kaluram Naik
3. Dharamraj Undu Naik
4. Hrishikesh Mahadev Naik ..Applicants

v/s.

The State of Maharashtra . ..Respondents

Mr. Kuldeep Patil for the Applicants in ABA/928/2018.
Mr. S.R.Agarkar, APP for the State.
None for the Intervenor.
Mr. Gajanan Ghadge, API from Khandeshwar P.Stn. Present.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 10, 2018.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in Crime No.93 of 2018 registered with Khandeshwar Police Station, District Raigad for offences under Section 323, 324, 326, 143, 147, 148, 504, 506 r/w.

149 of IPC.

2. Heard Mr. Patil, the learned Counsel for the applicants and Shri Agarkar, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Baban Balu Mhatre. The FIR prima facie reveals that there is a boundary dispute between the first informant and the applicants. The first information report reveals that on 8th April, 2018 at about 9 a.m., the applicants and their family members had started construction of a compound wall in an open plot. The first informant and his family members alleged that the construction was being carried out in the place which was used for the purpose of throwing garbage. There was an altercation, which eventually led to a fight between both the groups. The records reveal that members of both the groups had sustained injuries and they have filed complaints and cross complaints against each other.

4. The applicants were granted interim bail by order dated 3rd May, 2018. They were directed to report to the Investigating

Officer for the purpose of interrogation. The learned APP submits that the applicants have complied with the said condition and they have been interrogated. He submits that the investigation is concluded and chargesheet is filed.

5. Considering the above facts and circumstances, the applicants are no longer required for the purpose of interrogation, much less custodial interrogation. The applicants are permanent residents of Karad. There are no chances of their absconding or thwarting the course of justice. The applicants have no criminal antecedents.

6. Considering the above facts and circumstances, the application is allowed on following terms and conditions:-

(i) In the event of arrest of the applicants in Crime No.93 of 2018 registered with Khandeshwar Police Station, District Raigad, the applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The applicants shall provide their permanent as well as temporary address, if any, and contact details to the Investigating

Officer.

(iii) The applicants shall not change their residential address without prior intimation to the Investigation Officer.

(iv) The applicants shall not tamper with the evidence or interfere with the complainant and the other witnesses in any manner.

Prasanna
Pradeep
Salgaonkar

Digitally signed by
Prasanna Pradeep
Salgaonkar
Date: 2018.10.15
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(ANUJA PRABHUDESSAI, J.)